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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 9558/2015**

PRAKASH AND ORS.

..... Petitioners

Through: Mr.Surat Singh with Ms.Meenakshi
Rawat, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.P.C.Yadav, CGSC with Ms.Neha
Gupta, Advocate for R1.
Mr.Arjun Pant, Advocate for DDA.
Mr.Yeeshu Jain, Standing Counsel
with Ms.Jyoti Tyagi, Advocate for
L&B /LAC.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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07.01.2019

1. Learned counsel for the Petitioner seeks a declaration that land acquisition proceedings in respect of land in Khasra 239 admeasuring 3 *bighas* situated in Village Tekchand, Delhi stand lapsed in view of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. According to the narration in the petition, subsequent to the notification under Section 4 of the Land Acquisition Act, 1894 ('LAA') and declaration

under Section 6 of the LAA, Award No.1343 of 1962 was passed. Between then and the filing of the present writ petition, the only event that is mentioned is the passing of the 2013 Act and nothing else.

3. Since the Petitioner is seeking discretionary relief under Article 226 of the Constitution of India, the Petitioner owes this Court an explanation as to why he could not seek relief at an earlier time.

4. In *Mahavir v. Union of India (2018) 3 SCC 588*, the Supreme Court held as under:

“23. In the instant case, the claim has been made not only belatedly, but neither the petitioners nor their previous three generations had ever approached any of the authorities in writing for claiming compensation. No representation had ever been filed with any authority, none has been annexed and there is no averment made in the petition that any such representation had ever been filed. The claim appears not only stale and dead but extremely clouded. This we are mentioning as additional reasons, as such claims not only suffer from delay and laches but courts are not supposed to entertain such claims. Besides such claims become doubtful, cannot be received for consideration being barred due to delay and laches.

24. The High Court has rightly observed that such claims cannot be permitted to be raised in the court, and cannot be adjudicated as they are barred. The High Court has rightly observed that such claims cannot be a subject matter of inquiry after the lapse of a reasonable period of time and beneficial provisions of Section 24 of the 2013 Act are not available to such incumbents. In our opinion, Section 24 cannot revive those claims that are dead and stale.”

5. The Court is not satisfied that the inordinate delay in approaching the Court for relief has been adequately explained.

6. The petition is accordingly dismissed on the ground of laches.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019/ tr